

REMARKS

This Amendment, filed in reply to the Office Action dated August 8, 2008, is believed to be fully responsive to each point of the rejection raised therein. Accordingly, favorable reconsideration and allowance of the subject application are respectfully requested. Claims 1-11. are all the claims pending in the application. Claims 10 and 11 are newly added, no new matter is added. Applicant respectfully submits that the pending claims define patentable subject matter.

Priority

The Examiner objected to the claim of priority because the request fails to comply with 37 C.F.R. § 1.78(a). Submitted herewith is an application data sheet (ADS) to overcome this objection. Applicant respectfully requests the withdrawal of this objection.

Information disclosure

Applicant acknowledges with thanks the Examiner's consideration of the information disclosure filed on November 26, 2003.

Objections

The Examiner objected to the abstract for the format and the use of legal phraseology, i.e. “means for.” Applicant submits a new abstract to overcome the rejection. Applicant respectfully requests the withdrawal of this objection.

The Examiner further objected to the specification for not including section headings. The specification is amended to include the section headings. Applicant submits that the amendment overcomes the objection and requests that the Examiner withdraw the objection.

Rejection under 35 U.S.C. § 112

Claim 7 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. More specifically, the Examiner indicates that the limitation “the end user” in line 2 lacks insufficient antecedent basis. Claim 7 is amended to overcome the rejection. Thus, Applicant respectfully requests the withdrawal of this rejection.

Rejection under 35 U.S.C. § 103

Claims 1-3, 5-7, and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer et al. (U.S. Patent No. 5, 995,490; hereinafter “Shaffer”) in view of Raz et al. (U.S. Patent No. 6,529,515; hereinafter “Raz”). Applicant respectfully traverses this rejection.

The claimed invention relates to

A device for accessing a telecommunication network comprising
means for transmitting data flows between at least one first
telecommunication client connected to said telecommunication network by means
of an access network possessing throughput performances lower than said
telecommunication network and at least one second telecommunication client
accessible through said telecommunication network, said information flows being
organised in sessions, each data flow of one and the same session providing
communication between the same telecommunication clients; and

degradation means for degrading at least one quality parameter of at least
one of said data flows in order to compensate for the difference in throughputs
between the said telecommunication network and the said access network,

**wherein said degradation means make use of a module associated
with each session, for carrying out said degradation, said module being
determined by said first client.**

On the other hand, Shaffer relates to a multimedia-capable systems including a regulating
devices used to control execution of the file transfer. The regulation is based upon video quality
of service (QoS). The regulating devices may be used to interrupt the data transfers or to reduce
the rate of data transfer if the video QoS drops below a preselected level. See Shaffer col. 4,
lines 24-37. The Shaffer system includes a selection devices to enable the user to select between
two levels of video QoS, thus allowing a user to determine the level of degradation on video QoS
to prioritize traffic through the channel.

Applicant respectfully submits that Shaffer would not have rendered the claimed
invention obvious at least for the following reasons:

First, Applicant respectfully submits that Shaffer does not teach or suggest “means for
transmitting data flows between at least one first telecommunication client connected to

said telecommunication network by means of an access network possessing throughput performances lower than said telecommunication network and at least one second telecommunication client accessible through said telecommunication network...” Rather, Shaffer teaches a single leased line dedicated to the PBX, see col. 3, lines 20-31. The Examiner relies on figure 1 of Shaffer to show this teaching. Applicant respectfully submits that figure 1 only show a the multimedia-capable system includes a video device 14,. The video device may be a camera that transmits video information to the PBX 12. Data is transferred to a second multimedia-capable system 16 via one or more links 18 and 20 of a public switched telephone network (PSTN). Therefore, Applicant respectfully submits that Shaffer is not concerned with degradation parameters where access network processing throughput performances is lower than the processing throughput of the telecommunication network as recited in claim 1.

Second, the Examiner correctly concedes that “Shaffer may not expressly disclose the said degradation means make use of module associated with each session, for carrying out the said degradation, the said module being determined by the said first client.” The Examiner, however, maintains that this limitation is taught by Raz. Applicant respectfully disagrees and submits that the combination of Shaffer and Raz would not have rendered obvious the claimed invention as described.

Raz relates to an active network to network management that simplifies the deployment of distributed network management applications in IP networks and other types computer

network using active nodes. The active nodes comprises of a router and a logically-separate active engine. Raz teaches:

In addition to performing conventional forwarding functions, the router in a given one of the active nodes diverts active packets associated with the network management function to the corresponding active engine for processing. The active engine supports one or more sessions, based at least in part on the active packets, for implementing at least a portion of the network management function. Each of the sessions supported by the active engine corresponds to a particular distributed task to be performed in the network, and has associated therewith a unique identifier, such that different programs on different network nodes can belong to the same session. See col. 2, lines 33-54.

Further Raz teaches that the active engine may be viewed as an execution environment in which user-written application program code, encapsulated in active packets, can be executed with close interaction with router data and control variables. See col. 4, lines 57-60.

However, Raz does not teach, anywhere in the reference, the recited limitation of “wherein said degradation means make use of a module associated with each session, for carrying out said degradation, said module being determined by said first client”, as purported by the Examiner. Therefore, Applicant respectfully submits that the reference taken singly or in combination fails to teach the claimed invention as described in claim 1. For at least the above reasons, Applicant respectfully requests the withdrawal of the rejection and earnestly solicits the allowance of claim 1.

Claims 2, 3, 5-7 and 9 are patentable at least by virtue of their dependency on claim 1 and for analogous reasons set forth above regarding claim 1.

Claims 4 and 8 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Shaffer in view of Raz, and in further view of Gai et al. (U.S. Patent No. 6,434,624; hereinafter "Gai"). Applicant respectfully traverses this rejection.

Claims 4 and 8 are patentable at least by virtue of their dependency on claim 1. In addition, Gai does not remedy the deficient teachings of Shaffer and Raz. Therefore, Applicant respectfully submits that this combination also fails to teach the claimed invention.

Claims 10 and 11 are also patentable for the analogous reasons set forth in above regarding claim.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Appl. No. 10/721,333

Q78594

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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